

EXHIBIT 13

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ORIGINAL FILED
MAR 15 2007
**LOS ANGELES
SUPERIOR COURT**

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

VULCAN MATERIALS CONSOLIDATED
COVERAGE LITIGATION

Lead Case No. BC328022

Related Case No. BC 354664

**STIPULATION AND PROPOSED
ORDER**

Date Action Filed: June 28, 2006
Trial Date: Not Set

Pursuant to the Court's Minute Order dated February 26, 2007, the parties jointly submit the following Stipulation and Proposed Order governing the protocol for the initial exchange of policy information and preparation of a policy chart.¹ The exchange of information

¹ Counsel for Plaintiffs and counsel for Vulcan have reached agreement on the wording of this Stipulation and Order and have circulated multiple drafts to counsel for all other parties and attempted to create a consensus version of this document to the extent possible.

provided for in this Stipulation and Order is intended to be a good faith exchange of information about policies or alleged policies at issue in this action. This Stipulation and Order shall not limit any party's right to conduct discovery related to any insurance policies allegedly issued to Vulcan Materials Company. Compliance with this Stipulation and Order shall not constitute a waiver of any objection that any party may have to the production or admissibility of any document produced pursuant to this Stipulation and Order.

I. Scope of Policy Exchange

As noted during the Status Conference held on February 26, 2007, Defendant Vulcan Materials Company ("Vulcan") has already conducted what it believes is a reasonable search and gathered copies of general liability policies issued to it or Vulcan affiliates Frontier Chemicals, the Frontier Chemicals Division of Vulcan Materials Company, and the Vulcan Chemicals Division of Vulcan Materials Company (collectively the "Vulcan Affiliates"), by the insurers who are parties to this case (collectively, "the Insurers") prior to 1986 and secondary evidence of such policies to the extent it could not locate policy documents, and will deliver those documents to the Insurers within fifteen (15) days after entry of the Order proposed below ("the Order"). The Insurers will continue conducting what they believe are reasonable searches for general liability policies and secondary evidence of general liability policies issued prior to 1986 to Vulcan Materials Company or the Vulcan Affiliates.² After each Insurer receives Vulcan's initial production of policy documents, it will complete its search and produce to Vulcan within sixty (60) days after entry of the Order those policies issued by it to Vulcan or the Vulcan Affiliates and secondary evidence of such policies to the extent it could not locate policy documents. As part of its search, each Insurer will also search for any such policies associated with that Insurer that are identified in Vulcan's anticipated production to that Insurer and that the Insurer did not previously locate, to the extent it has not already done so. Vulcan will also search for any such policies identified by the Insurers in their production to Vulcan that Vulcan

² By agreeing to search for policies issued to the Vulcan Affiliates, the Insurers are not admitting that any such entities or policies are in any way relevant to this action.

1 did not previously locate, to the extent it has not already done so, and produce any additional
2 documents it locates based on that search.

3 **II. Policy Depository and Conventions**

4 Pursuant to the February 26, 2007 Minute Order, the parties will designate a third
5 party service provider to serve as an electronic document depository for the stipulated policies
6 and policy evidence within forty-five (45) days after entry of the Order. The parties will place
7 into the policy depository the agreed policies and secondary evidence of policies identified
8 through the stipulation process outlined below.

9 The parties have agreed to the numbering convention for documents that each party
10 produces in this action: The table of prefixes is set forth in Exhibit A to this Stipulation.

11 **III. Schedule for Policy Stipulation and Chart Preparation**

12 Within fifteen (15) days after entry of the Order, Vulcan will produce to each insurer
13 one copy of each general liability insurance policy in its possession that was issued to it or a
14 Vulcan Affiliate prior to 1986 by that Insurer or a predecessor. To the extent that any such
15 general liability policies issued by a given Insurer, or a predecessor which issued general
16 liability policies to Vulcan or a Vulcan Affiliate, are missing, Vulcan will also search for and
17 produce to that insurer whatever secondary evidence of the existence and material terms of such
18 missing policies it is able to locate.³

19 Within sixty (60) days after entry of the Order, each Insurer will produce one copy of
20 each general liability insurance policy in its possession that it or any predecessor company
21 issued to Vulcan Materials Company or any Vulcan Affiliate prior to 1986. To the extent that
22 any such general liability policies issued by a given Insurer or a predecessor to Vulcan or a
23 Vulcan Affiliate are missing, that Insurer will also search for and produce whatever secondary
24 evidence of the existence and material terms of such missing policies it is able to locate. If
25 Vulcan's production revealed that an affiliate of an Insurer issued a general liability policy to
26 Vulcan or any Vulcan Affiliate prior to 1986, that Insurer will produce one copy of each such

27
28 ³ After the parties produce the policies and policy evidence and prepare the coverage chart as required by this Stipulation, they will cooperate to identify the entities that issued any missing policies.

1 general liability insurance policy that its affiliate issued to Vulcan or any Vulcan Affiliate if in
2 the Insurer's possession, custody or control. To the extent that any such general liability policies
3 issued by a given Insurer's affiliate to Vulcan are missing, that Insurer will also search for and
4 produce whatever secondary evidence of the existence and material terms of such missing
5 policies it is able to locate and that is in its possession, custody or control.

6 Within sixty (60) days after the entry of the Order, each Insurer will produce
7 information regarding any impairment or exhaustion of the limits of the general liability policies
8 that it issued to Vulcan prior to 1986. Also within sixty (60) days after entry of the Order,
9 Vulcan will produce information regarding any impairment or exhaustion of the limits of the
10 general liability policies that the Insurers issued to it prior to 1986.

11 Within one hundred twenty (120) days after entry of the Order, Vulcan and each
12 Insurer will meet and confer in an effort to agree on the documents that constitute the insurance
13 policies issued by that Insurer at issue in these cases and on the degree to which their limits are
14 impaired or exhausted.

15 Within one hundred fifty (150) days after the Order, Vulcan and each Insurer will
16 provide to the electronic policy depository vendor stipulations attaching the documents they
17 agree constitute portions of the general liability policies issued by that Insurer prior to 1986,
18 documents which one of them believes constitute portions of such policies but on which there
19 are disagreements, and secondary evidence of such policies to the extent they were not able to
20 locate policy documents.

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1 Within one hundred eighty (180) days after entry of the Order, the parties will lodge
2 with the Court a policy chart based upon the stipulations and stipulated policy documents that
3 are exchanged.

4 DATED: March 14, 2007

Michael W. Ellison
Betty Carroll
Smith ♦ Ellison
A Professional Corporation

7 By: 
8 Michael W. Ellison
9 Attorneys for Plaintiffs First State Insurance
Company and Nutmeg Insurance Company

10 Donald W. Brown (SBN 83347)
11 Wendy L. Feng (SBN 200813)
12 Tara M. Steeley (SBN 231775)
13 Covington & Burling LLP

14
15 By: _____
16 Donald W. Brown
17 Attorneys for Defendant Vulcan Materials
Company

18 IT IS SO ORDERED.

19
20 MAR 15 2007
21 MAR 15 2007

22 CARL J. WEST
23 Hon. Carl J. West
24
25
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Tara M. Steeley (SBN 231775)
Covington & Burling LLP

By: Donald W. Brown /ms
Donald W. Brown
Attorneys for Defendant Vulcan Materials
Company

18 IT IS SO ORDERED.

Hon. Carl J. West

In Re VULCAN MATERIALS
LASC Case No. BC 328022

EXHIBIT A: TABLE OF PREFIXES

Prefix	Beginning Bates	Insurer	Counsel	Firm
ACE	ACE 0000001	ACE Property & Casualty Insurance Company (f/k/a CIGNA Property & Casualty Insurance Company, f/k/a Aetna Insurance Company)	Deborah A. Aiwasian John C. Conway	Berman & Aiwasian
AFM	AFM 0000001	Affiliated FM Insurance Company	Katherine E. Mast Julia Molander	Sedgwick, Detert, Moran & Arnold LLP
AUIC	AUIC 0000001	Allianz Underwriters Insurance Company	Roger E. Marken Charles R. Diaz	Murtaugh Meyer Nelson & Treglia LLP
AH	AH 0000001	American Home Assurance Company	Karren J. Baker	Sinnott, Dito, Moura & Puebla
AMRE	AMRE 0000001	American Reinsurance Co.	Lawrence A. Tabb	Musick Peeler & Garrett
AIIC	AIIC 0000001	Atlanta International Insurance company (f/k/a Drake)	Jeff Burt	Gilbert Kelly Crowley & Jennett LLP

In Re VULCAN MATERIALS
LASC Case No. BC 328022

Prefix	Beginning Bates	Insurer	Counsel	Firm
CEN	CEN 0000001	Century Indemnity Company in its own capacity and its capacity as: (1) successor to CIGNA Specialty Insurance Company (f/k/a California Union Insurance Company); (2) successor to CCI Insurance Company as successor to Insurance Company of North America	Deborah A. Aiwasian John C. Conway	Berman & Aiwasian
LMI	LMI 0000001	Certain Underwriters at Lloyds London and Certain London Market Insurance Companies (collectively "London Market Insurers")	Yvette D. Roland Audra L. Thompson Richard McDermott Stephen Murray	Duane Morris LLP Lord Bissell & Brook LLP
CCC	CCC 0000001	Continental Casualty Company	Brian Walsh Mark Gamboa	Colliau Elenius Murphy Carluccio Keener & Morrow
CIC	CIC 0000001	Continental Insurance Company (successor to Harbor Insurance Company)	Brian Walsh Mark Gamboa	Colliau Elenius Murphy Carluccio Keener & Morrow
ERC	ERC 0000001	Employers Reinsurance Corporation	Nancy L. Beattie	Riedl, McCloskey & Waring LLP

In Re VULCAN MATERIALS
LASC Case No. BC 328022

Prefix	Beginning Bates	Insurer	Counsel	Firm
FSIC	FSIC 0000001	Fairmont Specialty Insurance Company (formerly Ranger Insurance Company)	Beth A. Kahn Walter J. Lipsman	Morris Polich & Purdy LLP
FIC	FIC 0000001	Federal Insurance Company	Kirk C. Chamberlin Lan Vu	Charlston Revich & Chamberlin LLP
FFIC	FFIC 0000001	Fireman's Fund	Sherry Pantages	Caron Constants & Wilson
FSN	FSN 0000001	First State Insurance Company	Michael Ellison Betty Carroll Shanda Beach	Smith Ellison
GS	GS 0000001	Granite State Insurance Company	Karren J. Baker	Sinnott, Dito, Moura & Puebla
IIC	IIC 0000001	Industrial Indemnity Co.	Deborah A. Aiwasian John C. Conway	Berman & Aiwasian
LEX	LEX 0000001	Lexington Ins. Co.	Karren J. Baker	Sinnott, Dito, Moura & Puebla
NU	NU 0000001	National Union Fire Insurance Company of Pittsburgh, PA	Karren J. Baker	Sinnott, Dito, Moura & Puebla
NSR	NSR 0000001	North Star Reinsurance Corporation	Michael Leahy Eugenie Baumann Mark Hoerner	Haight Brown & Bonesteel Budd Lerner PC

In Re VULCAN MATERIALS
LASC Case No. BC 328022

Prefix	Beginning Bates	Insurer	Counsel	Firm
NNIC	NNIC 0000001	Northwestern National Insurance Company (successor to Bellefonte Underwriters Insurance Company)	Mark A. Froehlich Stephen D. Straus	Traub Eglin Lieberman Straus
FSN	FSN 0000001	Nutmeg Insurance Co.	Michael Ellison Betty Carroll Shanda Beach	Smith Ellison
PEIC	PEIC 0000001	Pacific Employers Insurance Co.	Deborah A. Aiwasian John C. Conway	Berman & Aiwasian
PIC	PIC 0000001	Pacific Indemnity Co.	Kirk C. Chamberlin Lan Vu	Charlston Revich & Chamberlin LLP
SNCC	SNCC 0000001	Safety National Casualty Corp.	Mitchell B. Greenberg Kyle Whitman	Abbey Weitzenberg Warren & Emery
STN	STN 0000001	Stonewall Insurance	Michael H. Weiss Richard E. Wirick	Fainsbert Mase & Snyder, LLP
TIG	TIG 0000001	TIG Insurance Company f/k/a International Insurance Company	Deborah A. Aiwasian John C. Conway	Berman & Aiwasian
TRANS	TRANS 0000001	Transport Insurance Co.	Ray L. Wong Cyndie M. Chang	Duane Morris LLP

In Re VULCAN MATERIALS
LASC Case No. BC 328022

Prefix	Beginning Bates	Insurer	Counsel	Firm
UIC	UIC 0000001	Unigard Indemnity Company	Dennis Zaragoza	Law Offices of Dennis Zaragoza
UNIC	UNIC 0000001	United National Insurance Co.	August L. Lohuaru	Nielsen Haley & Abbott LLP
USFIC	USFIC 0000001	United States Fire Insurance Company (for certain alleged policies)	Deborah A. Aiwasian John C. Conway	Berman & Aiwasian
VMC-INS	VMC-INS 0000001	Vulcan Materials Co.	Donald W. Brown Wendy L. Feng Tara Steeley Stephen C. Chien	Covington & Burling LLP
WFIC	WFIC 0000001	Westchester Fire Insurance Company with respect to policies allegedly issued by Industrial Indemnity Insurance Company	Deborah A. Aiwasian John C. Conway	Berman & Aiwasian
VG	VG 0000001	XL Insurance Company (Vanguard)	Matthew S. Ponzi Kevin J. Price	Foran Glennon Palandech & Ponzi PC
ZUR	ZUR 0000001	Zurich International (Bermuda) Co., Ltd.	Jeffrey C. Segal Michael S. Little	Selman Breitman LLP

PROOF OF SERVICE

1
2 1. I am employed with the law firm of Smith ♦ Ellison, whose address is 19800
3 MacArthur Boulevard, Suite 1475, Irvine, California 92612; I am not a party to the cause; I am
4 over the age of eighteen years and I am readily familiar with Smith ♦ Ellison's practice for
5 electronic service processing.

6 2. I further declare that on the date hereof I served a copy of the following
7 document(s):

STIPULATION AND PROPOSED ORDER

8
9 by delivering to LexisNexis a true copy thereof via Internet for service on all counsel of record
10 by electronic service pursuant to the Court's Order Authorizing Electronic Service, as entered
11 on January 25, 2007.

12 I declare under penalty of perjury under the laws of the State of California that the
13 above is true and correct.

14 Executed this 14th day of March, 2007, at Irvine, California.

15
16 
Kathleen Foster